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Special Education Referrals and Disciplinary Actions for Latino Students in the United States

Abstract: Latino students are the largest growing minority group in the U.S. school system. However, there are critical barriers that impeded the development of sustained academic success for this particular population. Latino students have been found to be over-represented in the delivery of disciplinary actions and in the identification of disabilities in special education populations. While the two concerns may appear to be separate, they are interdependent as a history of disciplinary actions can lead to an unjustified referral to special education for evaluation. The coupling of high disciplinary actions and biased referrals to special education has led to the over-representation of Latino students with emotional/behavioral disorders (EBD). In this article, we discuss the contextual background of Latino students in today's schools, the excessive use of disciplinary actions for them, and their disproportionate representation in special education populations. Additionally, we present two recommended actions as a pair of first steps to address the improper referral pipeline.

Keywords: disproportionality, diversity, Latinos, school discipline, special education

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Recent statistical data and even appearances to the casual eye have confirmed the growing diversity of the student population in the U.S. education system. In the last completed U.S. Census (U.S. Bureau of the Census, 2005), the growth of diverse populations in both urban and suburban settings has demonstrated a strong upward trend. Examination of the disaggregated census data has established Latinos as the fastest growing segment of the student population (U.S. Bureau of the Census, 2008). Generally, over the last few decades, Latinos have

become the largest minority group in the United States and changed states in the southwest to minority - majority states (i.e., state populations where racial composition is less than 50% White), including California, New Mexico, and Texas.

While the growth of Latinos in the U.S. education system has been considerable, there have been a number of critical barriers that have hindered Latinos from experiencing consistent academic and social success. Two specific issues in the education system have presented critical concerns for Latino students: (a) disproportionate representation in special education programs and (b) disproportionate use of punitive disciplinary practices (Ford, 2012; Moreno & Gaytán, 2012a, 2012b; Skiba, 2013). Although these specific issues appear to affect different facets of the educational experience for Latino students, several investigations have concluded these issues are inter-related in the reduction of the overall quality of education and the social impact on the Latino population.

In accordance to federal legislation, Individuals with Disabilities Education Act (IDEA; U.S. Department of Education, 2004), public schools are required to identify, evaluate and provide individualized instruction and services for students with disabilities. There are two large categories of disabilities often identified by school personnel during school years, specific learning disabilities (SLD) and emotional/behavioral disorders (EBD). However, statistics from the Department of Education (2006) have demonstrated the SLD and EBD categories as having a disproportionately higher number of students from minority backgrounds, one such group being Latino students (Bowman-Perrott et al., 2013; Duran, Zhou, Frew, Kwok, & Benz, 2013; Figueroa, 1999; Guiberson, 2009; Harris-Murri, King, & Rostenberg, 2006; Kaufman et al., 2010; Salend, Garrick Duhaney, & Montgomery, 2002; Taylor, 2005).

Similarly, investigations (e.g., Arcia, 2007; Lipman, 2003; Noguera, 2003) have revealed higher rates of discipline referrals and punitive measures (e.g., suspensions, expulsions) among Latino students when compared to White students. The National Center for Education Statistics (NCES, 2002) reported Latino students comprised 16% of the student enrollment in the United States but experienced 20% of all school suspensions. The disproportionate rates of disciplinary actions on Latino students have demonstrated critical negative effects that are difficult to address or reverse, such as educational disengagement and failure (Peguero & Shekarkhar, 2011). Unfortunately, the finality of negative school experiences and educational failure for many Latino students is dropping out. Latino students experience the highest rate of high school dropout and are considered the most at-risk than any other group (Behnke, González, & Cox, 2010; Stearns & Glennie, 2006). While reasons for high school dropout rates

among Latino students vary (e.g., economic, family), the two previously described issues (disproportionality in special education, disproportionate disciplinary actions) can serve as substantial contributors to the finality of academic careers.

While the aforementioned barriers are considerable and no clear solutions have been revealed, investigations in educational practices and professional awareness have demonstrated the best starting points to deconstruct the barriers and lead to the development of resolutions to assist this specific population. This article focuses on these two critical concerns and offer recommended practices to address the negative impact on Latinos in U.S. public schools.

Who are Latino students?

Addressing the disproportionality for students comprising the largest U.S. ethnic/cultural group requires a contextualized knowledge of Latinos in the U.S. Latinos are the numerically largest, rapidly growing, youthful, racial/ethnic group in the United States (Arredondo, Gallardo-Cooper, Delgado-Romero, & Zapata, 2014; Gloria & Segura-Herrera, 2003). Although Latinos may emigrate from one or more of 20 Latin American republics (e.g., Central and South America, Cuba, Mexico, Puerto Rico), their presence in the United States actually dates to the 1500' (i.e., Spanish conquest of indigenous peoples) including Spanish settlements in Florida, New Mexico, and the annexation of Mexican lands in 1848 (e.g., New Mexico, California, Texas, Nevada) post Mexican-American war (Garcia-Preto, 2005; San Miguel & Valencia, 1998).

The racial, national, and ethnic heterogeneity within Latinos necessitates a culturally grounded, psychosociocultural understanding (Arredondo et al., 2014; Gloria & Rodriguez, 2000) to begin accurately responding to the question: "Who are Latinos?" With a contextualized understanding, educators may reframe (mis) perceptions to fuel strength-based, approaches that more holistically address the needs of Latino students. Hence, a more accurate snapshot of Latinos allows educators to address disproportionality. Although not exhaustive, we will present an overview of interconnected variables (e.g., terminology, generational status) that differentiate Latinos.

Terminology and self-identifiers

On the surface, terminology may seem irrelevant. However, when explored with more depth, an understanding of the complexity related to how large groups are

described, including the differences between commonly used terminology and self-identifiers further contextualizes Latinos in the United States. Historically, there is misunderstanding about who constitutes the Latino or Hispanic population (Arredondo et al., 2014; Ford, 2012; Moreno & Gaytán, 2012b). Government agencies including educational institutions have erroneously categorized and aggregated Latino or Hispanic groups based on Spanish surname alone and/or without distinction in subgroup(s) according to their native country. Consequently, confusion around terminology is maintained.

In general, Latinos utilize multiple terms to self-identify and describe their ethnic group membership. The term, *Hispanic* (created in 1970 by the U.S. Bureau of the Census and further used by the office of Management and Budget in 1978) is used as a generic, non-gendered term to categorize those sharing ancestry to Spain, Mexico, Puerto Rico, Dominican Republic, Cuba, Central America and South America or simply the Spanish language (Comas-Diaz, 2001; Marín & Marín, 1991). Although often preferred by those who emphasize their European-Spanish ancestry, *Hispanic*, may offend Latin Americans without ancestral ties to Spain and/or the Spanish language (e.g., Brazilians who may be of Portuguese, African, Asian, and/or indigenous ancestry; Comas-Diaz, 2001). Further, others argue the government-imposed term maintains an erroneous façade of a uniform culture, language and/or race that is void of contextualized sociopolitical histories (e.g., indigenous peoples, African slaves, immigrant waves) within the United States and native country (Santiago-Rivera, Arredondo, & Gallardo-Cooper, 2002).

Conversely, the terms *Latina* and *Latino* are popular, often preferred umbrella self-identifiers for emulating the Spanish language, including sex/gender (i.e., Latina female, Latino male), and capturing a sense of pan Latin American ethnic pride, socio-political consciousness and unity (Santiago-Rivera et al., 2002). In all, the term *Latinos* captures nuances related to gender and geographical/sociopolitical (pre-post Spanish, Portuguese colonization) regardless of racial, cultural and linguistic differences (Falicov, 1998). Attention to its use, however, is required as *Latinos* captures a plural, mixed-sex (male-and-female) group and an entirely male group, whereas *Latinas* is plural for an entirely female group.

Similar to the majority of individuals, most Latinos prefer to self-identify and/or are referenced by their specific, native country or countries of origin (e.g., Guatemalan, Colombian, Mexican, Cuban). Utilizing terminology without contextualizing individuals engenders misperceptions of cultural, racial, linguistic uniformity, including stereotypes of "typical" Hispanics or Latinos (Hurtado & Sinha, 2006). Overall, it is important for educators to be aware that no single term captures the diversity of Latinos and/or satisfies all personal preferences. It is most important for service providers (e.g., educators, school counselors) to

validate and use the individual's sense of personal agency and self-empower-
ment to capture preferences in their self-identity (Padilla, 1995; Gloria & Segura-
Herrera, 2003).

Generational status

A related variable to self-identity is generational status, which describes the
length of residence in the United States and hence an individual's proximity to
the immigrant generation (e.g., first-generation individuals are non-U.S.-born/
immigrants, second-generation U.S.-born/child of immigrants). With the history
of Latinos dating to Spanish colonists, Latinos may range from fifth-generation
descendants of Spanish colonists to first-generation or recent immigrants from
Mexico (Gloria & Segura-Herrera, 2003). Further, documentation status (i.e.,
authorized, unauthorized status) often guides migration patterns within and
outside of the United States, access to education, and salience of proximity to
immigration generation (Arredondo et al., 2014).

Generational status is often used as an indicator for *acculturation level*, or
adherence to and practice of native cultural values, use and preference for
Spanish and/or English language and self-identifiers (Marín & Marín, 1991).
Acculturation processes however are multidimensional and impact the thoughts,
feelings and behaviors of the individual who is straddling multiple contexts
(segregated or inclusive, supportive or non-supportive schools, workplaces,
neighborhood/community environments) (Arredondo et al., 2014). For example,
a first-generation, Mexican national individual may prefer to self-identity as
Mexican and to speak Spanish most of the time, whereas a U.S.-born child of
this individual may prefer the term Mexican American and/or Latino and to
speak only English at a school with English-only policies, and Spanish with
family members. Hence, acculturation provides educators with relevant data to
further contextualize Latino students.

Debunking inept education research and practices with Latinos

Historically, the misuse of pathological models has explained first how African
Americans and then other minorities are biologically inferior (e.g., under-
developed brains hence genetically deficient) and fail academically due to differ-
ent cultural environments (e.g., poverty, culture) when compared to their White/
Western European counterparts (Ponterotto & Casas, 1991; Sue & Sue, 2003).
Similarly, the field of education has also utilized deficit models (e.g., biological,

cultural/environmental inferiority) to explain the under-achievement of Latinos including in higher education (Valencia & Black, 2002). For example, research paradigms that implemented cultural and environmental deficit models supported findings blaming Mexican American students' adherence to their native cultural value systems as the causation for low educational attainment. Hence, such findings perpetuate misguided assumptions that Mexican American and other Latino students do not value education, their cultural values are deficient to hence cause their academic underachievement (Alva, 1991; Valencia & Black, 2002) and is evidenced by their high dropout and stop-out rates within the educational pipeline, including higher education (Arredondo et al., 2014; MacDonald & Garcia, 2003; Nora, 2003). The cycle of pathological models persist in spite of research findings that examine the disparate access to education specifically for Latinos (Arredondo et al., 2014). Instead, to ensure education research is used appropriately, educators are encouraged to incorporate the use of accurate data and knowledge (e.g., salient variables of terminology, generation status, acculturation) to provide culturally responsive and strength-based approaches. Additionally, contextualized approaches may facilitate the paradigm shift required to uncover educational strengths in Latino students.

In all, responding to the question of "Who are Latinos?" includes an awareness of their inherent heterogeneity. A contextualized and hence holistic understanding of Latino students requires knowledge and awareness of these intersecting variables (i.e., terminology, generational status values and self-identifiers) so as to tailor comprehensive and culturally responsive strategies to address disproportionality. Furthermore, deeper cultural understanding for the largest population of elementary school children (Arredondo et al., 2014) may provide insight into how salient cultural values of Latino students and their families impact their journey through the educational pipeline (Zamarripa & Lerma, 2013). Rapid assessment of these characteristics may be used to inform the educational practices to address disproportionality for Latino students.

Disproportionality of Latinos in special education populations

The process of disability identification within the public schools has developed to incorporate a number of ancillary professionals (e.g., school psychologists, speech-language pathologists) charged with screening and evaluating students referred by general educators and administrators. While many disabilities are identified at birth or during early childhood years (e.g., blindness, deafness,

orthopedic impairments), several disabilities are often identified during the primary school years, these disabilities typically include SLD and EBD. The majority of SLD and EBD referrals originate from the general education teacher as a request for assistance with a student from a team of school professionals, also known as the pre-referral team. While the pre-referral process is typically layered with local practices and strategies to assist the student before a referral to special education evaluation is considered, the process has still yielded a disproportionate number of referrals and placements into special education among students from CLD backgrounds (Bowman-Perrott et al., 2013; Chamberlain, 2006; Duran et al., 2013; Gregory, Skiba, & Noguera, 2010; Hoover, 2009; Rocque, 2010; Zhang & Katsiyannis, 2002). However, for the purpose of this discussion, we will exclusively examine the overrepresentation of Latino students in the category of EBD and how the disciplinary process leads to the referral process and eventual qualification for special education in EBD.

Building the case for EBD identification: subjective disciplinary histories

The disability of EBD is federally defined in IDEA (U.S. Department of Education, 2004) as a chronic condition in which a student demonstrates the inability to learn which cannot be explained by intellectual, sensory, or health factors; inability to build/maintain satisfactory relationships with peers and teachers; and/or types of behavior or feelings under normal circumstances. While the EBD category can include mental disorders such as depression or similar internalizing conditions, in a significant number of EBD identification cases students demonstrate challenging behaviors that (a) impede the learning or instructional process for the individual or peers, (b) present a danger to the self or others and (c) have been resistant to intervention practices (Wheeler & Richey, 2010). Examples of typical challenging behaviors include disobedience, verbal aggression, physical conflict with peers and/or adults and destruction of school property. Chronic demonstration of challenging behaviors often leads to a student being recommended to the pre-referral team for behavioral assistance and then to special education referral.

While federal legislation has stipulated nine specific principles to ensure the qualification and quality of special education services, it is the pre-referral process where students often are ushered through as a formality before the special education referral and likely placement (Knoteck, 2003). The pre-referral team originated as a response to the evolving federal mandates by guaranteeing fair and appropriate evaluation practices thus becoming a process for both

general and special education. Pre-referral teams vary by school organization and state but typically include a campus administrator, school counselor, general education teacher, and ancillary personnel (e.g., school psychologist).

Knoteck (2003) pointed out that pre-referral teams may have conflicting mandates. In the pre-referral process, the goal is to assist the student and promote the level of functioning in the general education classroom. Conversely, the goal of the pre-referral team is also to demonstrate the student cannot appropriately function in the general education classroom or requires assistance beyond the scope of the general education teacher and should therefore be moved into a special education setting. It is the conflict of goals within a pre-referral team that lead to bias and errors in the process and unfortunately, students referred to special education evaluation have an increased likelihood of identification (Chamberlain, 2006).

Additionally, in the investigation by Knoteck (2003), the author discussed the possible occurrence of *confirmation bias* in the pre-referral process. In many occurrences, the pre-referral process allows teachers to refer students with challenging behavior based on their own subjective perceptions and the pre-referral team unwittingly supports the tainted opinion with eventual referral to special education. Challenging behaviors can be difficult to qualify as truly challenging and can be subjectively viewed. A student can demonstrate the same challenging behavior across two different classrooms with two different teachers, however, depending on the threshold of tolerance by the individual teacher, one teacher can view the challenging behavior as truly disruptive and the other teacher as a minor nuisance. In the majority of referral cases, the teacher will inadvertently build a biased case (Arnold & Lassman, 2003). The subjective perception by referring teachers and its influence played on the pre-referral team and an established disciplinary record can lead to students being "rubber stamped" into a special education evaluation with possible misidentification.

Disproportionate discipline: Latinos and U.S. schools

Verdugo (2002) reported that there are over three million students experiencing disciplinary actions at some point during the school year, which is an increase of twice as many students during the 1970s. The majority of U.S. schools continue use the *rapid suppression approach* to address challenging behaviors exhibited by students as a means to create control and establish safe environments (Noguera, 2003; Wheeler & Richey, 2010). The rapid suppression approach is the traditional use of punitive disciplinary practices, such as suspension and expulsion, to deliver negative consequences to students who break code of conduct. However,

investigations have demonstrated the use of such punitive practices (a) do not improve student conduct, achievement, or relationships with educators, (b) provide little positive enhancements to the quality of life for students, and (c) magnifies the overrepresentation of students from diverse backgrounds (Day-Vines & Terriquez, 2008; Obiakor et al., 2006; Verdugo, 2002; Wheeler & Richey, 2010). Additionally, students who develop a disciplinary history are more than likely to become labeled by educators and unknowingly enter a self-fulfilling prophecy where challenging behaviors and delinquent acts are the only types of behavior expected from them (Nicholson-Crotty, Birchmeier, & Valentine, 2009).

Similar to the experiences of African-American students, as discussed by several authors (e.g., Cartledge, 2002; Campbell-Whatley & Gardner, 2002; Nicholson-Crotty et al., 2009; Verdugo, 2002), Latino students often fall into the same standard sequence of disciplinary actions with school administration. The development of such a disciplinary history can quickly lead to the collection of data necessary for EBD referral. As Peguero and Shekarkhar (2011) investigated and discussed, current U.S. school practices place Latino students at a systematic inclination toward more stringent disciplinary actions. The researchers concluded first-generation Latino students are less likely to engage in challenging behaviors while enrolled in school and are at lower levels than White students. However, correlated evidence has demonstrated Latino students have a similar likelihood of disciplinary actions as White students, despite their lesser levels of misbehavior. The same level of disproportionality between reduced inclination toward misbehavior and higher likelihood of disciplinary actions exists in third-generation Latino students as well. With the consideration that such histories of challenging behaviors and discipline problems are used to create a case for referring a student to special education evaluation for EBD, this systematic process places Latino students at an increased chance of misidentification.

Understanding the *diversity rift*

As mentioned earlier, the student population in U.S. schools is becoming more diverse; however, the educators in the system have remained mostly constant thus creating a *diversity rift* between teacher and students. In the 2007–2008 investigation by the U.S. Department of Education (2010), researchers concluded the full-time teaching force in both elementary and secondary schools was above 80% White and the majority were female. The diversity rift can have detrimental effects on the quality of the educational experience for students from CLD backgrounds. For example, the rift has contributed to the disproportionality of diverse students in special education through a number of possible

factors, including biased testing, diverse behaviors inaccurately identified as disability indicators, and the limited involvement of family and community aspects in the education of diverse students (Saled & Garrick-Duhaney, 2005). It is with the consideration of the aforementioned factors that Latino students have been adversely affected in the referral process.

The diversity rift is perhaps one of the strongest possible explanations to the disproportionate referrals of Latino students in both disciplinary actions and possible special education evaluation. For a number of decades, the U.S. school system has been established using societal expectations and control based on White, middle-class structure and values, which can place students from backgrounds different from the school structure at a particular disadvantage. Students entering an education system that incorporates the structure and values of a majority group must quickly acclimate and learn social values and behavioral expectations in addition to academic performance. Students from CLD backgrounds who fail to demonstrate behavioral and/or academic proficiency in U.S. schools are often the ones disciplined (Noguera, 2003).

As Noguera (2003) discussed, U.S. schools have not demonstrated a strong performance in meeting the needs of CLD students. U.S. schools are charged with not only academic learning but also an implicit social contract to prepare students, regardless of background, to enter contemporary society with proficiency in social behaviors and relationships. However, those students who lack the background knowledge and experience of U.S. school expectations are often the ones who are cited and pulled into the disciplinary process with little assistance. Rather than providing effective social supports, the disciplinary process presents punitive consequences (i.e., suppression approach) to address challenging behaviors thus placing Latino students on a singular track of failure. Additionally, while the majority of Latino students will not demonstrate challenging behaviors or difficulty in social adjustment within U.S. schools, the presence of a systematic inclination does place students in need of assistance at a marked disadvantage. However, teacher development on working with CLD populations and developing a better ability to differentiate difference from disability are critical first steps to assist those students considered at-risk (Hoover, 2009).

Implementing actions to address Latino disproportionality in discipline and EBD

In order to address the needs of Latino students, particularly those individuals who are more likely to be referred for disciplinary actions and/or special

education evaluation, educators have a number of implementable actions to consider. It is critical to have a well-rounded understanding of Latino cultures and the distinction between difference and disability. The foundational understanding of culture and its impact on the educational process can assist educators in removing the cloud of unintentional bias and ensure the delivery of targeted interventions. The use of unbiased, targeted interventions can ensure Latino students receive the necessary assistance by educators before disciplinary or special education referrals are unjustly considered.

There are a number of actions schools can implement as legitimate means to address the disproportionality of Latino students and ensure genuine assistance is delivered. We will discuss two recommended actions. All of the actions have considerable literature reviews and research that, when implemented with integrity, offer measurable positive results. The first recommendation is the active delivery of professional training for educators on the development of cultural competency. The development of cultural competency in both new and veteran teachers provides a better understanding of the ever-changing classroom and pupils they are increasingly more likely to encounter. Strengthened skills in cultural competency will not only assist educators in addressing the needs of Latino students but all students from CLD backgrounds. Additionally, when coupled with effective and culturally responsive mental health services (e.g., school counseling, wraparound services), Latino students will have a more targeted intervention for times in need of assistance.

The second recommendation is the use of the Functional Behavioral Assessment (FBA) as an early intervention practice for Latino students who are demonstrating challenging behaviors that have become chronic and have shown resistance to punitive measures. The FBA process offers educators a scientific approach to address challenging behaviors before enacting an inappropriate special education referral. Coupled with a culturally competent team of educators, not only are challenging behaviors addressed but also a supportive behavioral intervention plan can be offered to the student.

Developing cultural competency

Hoover (2009) discussed the impact lack of cultural competent teaching can have on students from CLD backgrounds. The homogeneous teaching force within a vastly diverse student population raise questions of genuine cultural competence. Weak cultural competency (or the lack thereof) by educators has led to inappropriate referrals, identification and placement of students into special education, when no genuine disabilities may exist. As described in the

mental health by Paniagua (2005), referring educators and/or assessors assume Latino student academic performance/behavior is inadequate/disruptive (i.e., pathological), the psychometric accuracy of testing instruments/measures (i.e., normed for cross-cultural validity) and the Latino student's school's values (i.e., educators) should correspond with or conform to the school's standards of academic performance and behavior. Conversely, educators who demonstrate strong cultural competency skills are better equipped and more proficient at designing and delivering instruction that is meaningful and relevant to students of CLD backgrounds (Echevarría & Graves, 2011). However, an additional advantage to the development of cultural competency by educators is the ability to distinguish between a behavioral difference due to culture and the presence of a genuine disability. Instead of over-emphasizing their deficiency or deviancy, focused attention to how Latino/CLD students express their cultural values and worldview, place in society, community, and family is required (Paniagua, 2005).

Mason (1993) described *cultural competency* as the development by educators to incorporate diverse strengths into instruction with a better understanding of culture and its impact on students' learning and behavioral needs. The development of cultural competency allows educators to understand different types of behavior influenced by cultural diversity. Hoover (2009) described examples of how cultural diversity can influence diverse students, including the perceived passage of time, acclimation to new cultural environments and preference toward key social behaviors, such as cooperation, competition and individualism. The aforementioned examples are key indicators of how academically and behaviorally successful a student can become, as all of those situations are critical points of development for U.S. schools. Significant failure in any of those areas can create immediate concern by educators if there is no understanding as to the influence of culture.

In regard to the demonstration of challenging behaviors, the development of cultural competency provides educators a better understanding of how culture impacts student motivation, aggression and locus of control, all of which are key dimensions for behavioral and social success in U.S. schools. Different cultures associate aggressive acts at various levels. As Hoover (2009) suggested, educators must be familiar with cultural expectations regarding aggressive acts and how students are expected to respond in high stress situations (e.g., defending oneself, verbal expressions). The ability to distinguish the behavioral expression of culture from EBD will allow educators to refrain from referring a student to disciplinary actions or labeling of a behavioral disorder.

In addition to educators, it is critical to ensure ancillary personnel (e.g., school counselors, school psychologists) are provided opportunities to develop

culturally competency as many schools choose to incorporate their services for behavioral assistance. School-based mental health services can serve as a vital action and those professionals delivering services can have either a positive or negative impact particularly when culturally affirming models (i.e., Latino-centered counseling competencies (see Arredondo et al., 2014) inform assessment and practice. As an ethnic group, Latinos are among the most underserved ethnic minority populations and least likely to return after a first counseling session often due to the delivery of culturally biased practices (Panigua, 2005; Sue & Sue, 2008). As such, school social workers and counselors may facilitate the provision of systemic, holistically and culturally competent services. Community agencies and/or providers of mental health services may supplement and enhance the school-based services provided to Latino students via individual and/or family counseling, including wraparound services. Regardless of the type and composition of the mental services that may be provided to Latino students, culturally competency by these professionals will only enhance the quality of the services and experience.

Functional behavioral assessment as a pre-referral practice

In many instances, there are cases where educators may continue to have difficulties with Latino students demonstrating challenging behaviors. Often, the challenging behaviors are beyond the scope of understanding the student's background and its impact on their educational experience. Rather, an approach investigating the behavioral demonstrations through an objective lens is required. As mentioned earlier, the majority of U.S. schools subscribe to the rapid suppression approach in addressing challenging behaviors with little likelihood of quality interventions. Coupled with biased pre-referral practices, Latino students are less likely to receive appropriate intervention assistance at the onset of challenging behaviors. Instead, the suppression approach sets a series of events into motion that lead to Latino students receiving suspension, expulsion and/or misidentification for EBD. By implementing the FBA as part of the pre-referral process, educators can better understand the reason for challenging appropriate behavioral interventions rather than simply delivering punitive disciplinary actions.

The FBA is a systematic, evidence-based practice that examines challenging behaviors in the context of antecedents and consequences to ascertain the function (i.e., reason) of the behavior when demonstrated by the student. The

FBA process has demonstrated significant scientific validity and reliability across various settings and has been stipulated in IDEA as a required practice to assist students with disabilities (Burke, Hagan-Burke, & Sugai, 2003; Crimmins & Farrell, 2006; Fox & Gable, 2004; Ingram, Lewis-Palmer, & Sugai, 2005; Moreno, 2010; Olypmia, Heathfield, Jenson, & Clark, 2002). In the FBA process, educators collect both qualitative (e.g., interviews, school disciplinary records) and quantitative (e.g., direct observation, frequency counts) data and develop a behavioral hypothesis to understand the demonstration of the challenging behavior. The implementation of the FBA process allows educators to examine challenging behaviors through an objective lens based on the science of *behaviorism*. Additionally, the data derived from the FBA data collection allows educators to observe and measure progress of behavioral improvement and incorporate the assistance of additional resources to address factors that are outside of school (e.g., use of wraparound services for severe domestic problems).

While the FBA has been federally stipulated for students with disabilities, the FBA process holds a great advantage when working with students who have not been referred to special education. Researchers (e.g., Crimmins & Farrell, 2006; Fesmire, Lisner, Forrest, & Evans, 2003; Scott, Liaupsin, Nelson, & Jolivette, 2003; Scott et al., 2005; Walker, Cheney, Stage, Blum, & Horner, 2005) have found the implementation of the FBA at early signs of challenging behavior can serve as a significant intervention for students in need, particularly before referral to special education. The FBA provides pre-referral teams a formidable process to examine students regardless of background and focus on the context of the challenging behaviors, an advantageous approach when working with students from CLD backgrounds. By examining challenging behaviors at their onset with the FBA, educators can evaluate and record a behavioral history for Latino students who experience difficulty in school. The behavioral history can then be used better distinguish between cultural difference and possible disability thus reducing unnecessary disciplinary actions and inappropriate special education referrals.

Conclusion

Evidence from the U.S. Census has suggested with strong certainty the growth of the Latino population within the country is only going to continue. As we enter and view the faces of diversity in the classrooms of almost any urban, suburban or rural school, the need to ensure all students, regardless of background, are

provided a high-quality education that does not continue to incorporate the barriers from past practices is critical. Past practices, such as quick and inappropriate disciplinary referrals, biased special education referrals, and misidentified disabilities, are all detrimental factors that have a direct effect on the educational experience of Latino students. With such a cumulative negative experience, many Latino students cannot see a future with high school completion and a transition into higher education; all of which will have a critical impact on the future success of the country.

Educators are in a pivotal juncture in the educational track of the United States. By continuing the development of assistive practices for students from CLD backgrounds, rather than the continuation of punitive measures, educators can ensure all students are not greeted with a discipline slip. Instead, educators can develop a better understanding of the new millennium classroom and offer the necessary academic/social assistance for those students in need, regardless of background. Coupled with continued research in working with CLD student populations, educators can not only offer a high quality educational experience to each student but one that substantiates a solid and positive future for our country with its growing diversity.

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